

BILL ANALYSIS

Senate Research Center
78R16579 JTS-F

C.S.H.B. 2500
By: Harper-Brown (Harris)
Infrastructure Development and Security
5-22-2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, peace officers operating under Chapter 452 of the Transportation Code (Dallas Area Rapid Transit) conduct fare inspections and issue citations to individuals who do not show proof of payment to use bus or rail services. The offense for a theft of service under \$20.00 is a Class C misdemeanor, which carries a fine not to exceed \$500.00. A final conviction for theft of service would include approximately \$175.00 for fine and court costs and is considered a crime of moral turpitude. Convictions for crimes of moral turpitude can affect an individual's employment and professional opportunities. In addition, a Class C misdemeanor conviction for theft absolutely disqualifies a person from jury service in criminal cases. C.S.H.B. 2500 authorizes transportation authorities to conduct fare inspections and, if necessary, issue citations. The offense is considered a Class C misdemeanor, but is not considered a crime of moral turpitude. This bill also sets forth training requirements for and the authorized duties of, fare enforcement officers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 452, Transportation Code, by adding Sections 452.0611 and 452.0612, as follows:

Sec. 452.0611. ENFORCEMENT OF FARES AND OTHER CHARGES; PENALTIES.

(a) Authorizes an executive committee by resolution to prohibit the use of the public transportation system by a person who fails to possess evidence showing that the appropriate fare for the use of the system has been paid and to establish reasonable and appropriate methods, using transit police officers or fare enforcement officers under Section 452.0612, to ensure that persons using the public transportation system pay the appropriate fare for that use.

(b) Authorizes an executive committee by resolution to provide that a fare for or charge for the use of the public transportation system that is not paid incurs a penalty, not to exceed \$100.

(c) Requires the regional transportation authority (authority) to post signs designating each area in which a person is prohibited from using the transportation system without possession of evidence showing that the appropriate fare has been paid.

(d) Sets forth the circumstances under which a person commits an offense.

(e) Authorizes the notice required by Subsection (d)(2) to be included in a citation issued to the person by a peace officer under Article 14.06 (Must Take Offender Before Magistrate), Code of Criminal Procedure, or by a fare enforcement officer under Section 452.0612, in connection with an offense relating to the nonpayment of the appropriate fare or charge for the use of the public transportation system.

(f) Provides that an offense under Subsection (d) is a Class C misdemeanor.

(g) Provides that an offense under Subsection (d) is not a crime of moral turpitude.

Sec. 452.0612. FARE ENFORCEMENT OFFICERS. (a) Authorizes the authority to employ persons to serve as fare enforcement officers to enforce the payment of fares for the use of the public transportation by certain methods.

(b) Requires a person, before commencing duties as a fare enforcement officer, to complete a 40-hour training course approved by the authority that is appropriate to the duties required of a fare enforcement officer.

(c) Requires a fare enforcement officer, while performing duties, to wear a distinctive uniform that identifies the officer as a fare enforcement officer and to work under the direction of the chief of police of the authority.

(d) Sets forth certain authorized duties of the fare enforcement officer.

(e) Prohibits a fare enforcement officer from carrying a weapon while performing duties under this section.

(f) Provides that a fare enforcement officer is not a peace officer and has no authority to enforce a criminal law, other than the authority possessed by another person who is not a peace officer.

SECTION 2. Effective date: upon passage or September 1, 2003.